

# DECLARATION AND POWER OF ATTORNEY FOR UTILITY

## OR DESIGN

### PATENT APPLICATION

☐ Declaration ☒ Declaration  
Submitted with Submitted under Initial  
Initial Filing Filing (surcharge  
37 CFR 1.16(e) required)

Attorney Docket No. MDS-012

First Named Inventor Nordstrom

#### COMPLETE IF KNOWN

Application Serial Number 09/591,706

Filing Date June 9, 2000

Group Art Unit 3737

Examiner Name Not Yet Assigned

As a below named inventor, I hereby declare that:

My residence, post office address, and citizenship are as stated below next to my name.

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled:

An Optical Probe Accessory Device for Use in In Vivo Diagnostic Procedures

(Title of the Invention)

the specification of which

☐ is attached hereto  
OR

☒ was filed on 06/09/2000 as United States Application Serial Number or PCT International  
(MM/DD/YYYY)

Application Number 09/591,706 and was amended on (MM/DD/YYYY) (if applicable).

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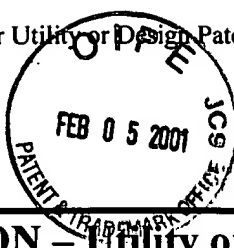
I hereby claim foreign priority benefits under 35 U.S.C. 119(a)-(d) or 365(b) of any foreign application(s) for patent or inventor's certificate, or 365(a) of any PCT international application which designated at least one country other than the United States of America, listed below and have also identified below, by checking the box, any foreign application for patent or inventor's certificate, or of any PCT international application having a filing date before that of the application on which priority is claimed.

Prior Foreign Application Number(s)	Country	Foreign Filing Date (MM/DD/YYYY)	Priority Not Claimed	Certified Copy Attached?	
				YES	NO
			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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60/115,373	01/11/1999	



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As a named inventor, I hereby appoint the following registered practitioners to prosecute this application and to transact all business in the Patent and Trademark Office connected therewith: ☐ Customer Number

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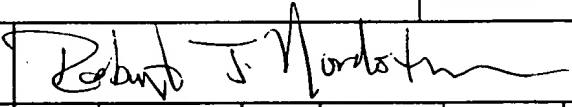
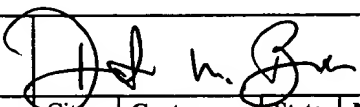
Name	Registration Number	Name	Registration Number
Michael J. Bastian	P-47,411	Kurt W. Lockwood	40,704
Steven M. Bauer	31,481	Thomas C. Meyers	36,989
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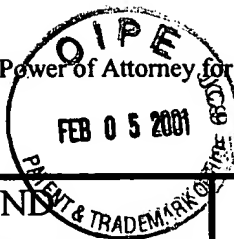
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Direct all correspondence to:

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 Testa, Hurwitz & Thibault, LLP  
 High Street Tower  
 125 High Street  
 Boston, MA 02110  
 Tel. No.: (617) 248-7000  
 Fax No.: (617) 248-7100

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. 1001 and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Name of Sole or First Inventor:		<input type="checkbox"/> A petition has been filed for this unsigned inventor							
Given Name (first and middle [if any])					Family Name or Surname				
Robert					Nordstrom				
Inventor's Signature						Date		Jan 31/01	
Residence	City	Hanover	State	MA	USA			Citizenship	USA
Mailing Address		182 Olde Forge Road							
Mailing Address (ln. 2)	City	Hanover	State	MA	ZIP	02339	Country	USA	
<input type="checkbox"/> Additional inventors are being named on the _____ supplemental Additional Inventor(s) sheet(s) attached hereto.									
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David					Bee				
Inventor's Signature						Date		1/31/01	
Residence	City	Groton	State	MA	Country	USA	Citizenship	USA	
Mailing Address		43 Paquawket Path							
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Mark					Modell				
Inventor's Signature						Date			
Residence	City	Natick	State	MA	Country	USA	Citizenship	USA	
Mailing Address		1 Arcadia Road							
Mailing Address (ln. 2)	City	Natick	State	MA	ZIP	01760	Country	USA	



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**ADDITIONAL INVENTOR(S)  
Supplemental Sheet  
Page 4 of 4**

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<b>Given Name (first and middle [if any])</b>					<b>Family Name or Surname</b>					
<b>Ze'ev</b>					<b>Hed</b>					
<b>Inventor's Signature</b>							<b>Date</b>			
<b>Residence</b>	<b>City</b>		<b>State</b>		<b>Country</b>		<b>Citizenship</b>			
<b>Mailing Address</b>	<b>12 Wagon Trail</b>									
<b>Mailing Address (ln. 2)</b>	<b>City</b>	<b>Nashua</b>	<b>State</b>	<b>NH</b>	<b>ZIP</b>	<b>03602</b>	<b>Country</b>	<b>USA</b>		
<b>Name of Additional Joint Inventor, if any:</b>		<input type="checkbox"/> A petition has been filed for this unsigned inventor								
<b>Given Name (first and middle [if any])</b>					<b>Family Name or Surname</b>					
<b>Jennie</b>					<b>Kwo</b>					
<b>Inventor's Signature</b>							<b>Date</b>			
<b>Residence</b>	<b>City</b>	<b>Cambridge</b>	<b>State</b>	<b>MA</b>	<b>Country</b>	<b>USA</b>	<b>Citizenship</b>	<b>USA</b>		
<b>Mailing Address</b>	<b>25 Kelly Road, Apt. #3</b>									
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<b>Given Name (first and middle [if any])</b>					<b>Family Name or Surname</b>					
<b>Matthew</b>					<b>Emans</b>					
<b>Inventor's Signature</b>							<b>Date</b>			
<b>Residence</b>	<b>City</b>	<b>Boston</b>	<b>State</b>	<b>MA</b>	<b>Country</b>	<b>USA</b>	<b>Citizenship</b>	<b>USA</b>		
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2004046

EL280660257US

<b>DECLARATION AND POWER OF ATTORNEY FOR INVENTOR OR DESIGN</b>  <b>PATENT APPLICATION</b>  <input type="checkbox"/> Declaration <input checked="" type="checkbox"/> Declaration Submitted with      Submitted after Initial Initial Filing      Filing (surcharge 37 CFR 1.16(e) required)	Attorney Docket No.	MDS-012
	First Named Inventor	Nordstrom
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	Filing Date	June 9, 2000
	Group Art Unit	3737
	Examiner Name	Not Yet Assigned

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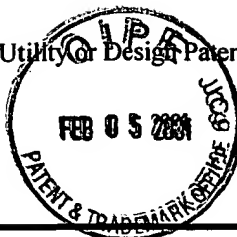
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Declaration and Power of Attorney for Utility or Design Patent Application

Serial No. 09/591,706

Atty. Docket No. MDS-012

Page 3 of 4

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Ze'ev						Hed						
Inventor's Signature							Date					
Residence		City		State		Country				Citizenship		
Mailing Address		12 Wagon Trail										
Mailing Address (ln. 2)		City	Nashua	State	NH	ZIP		03602		Country		USA
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Jennie						Kwo						
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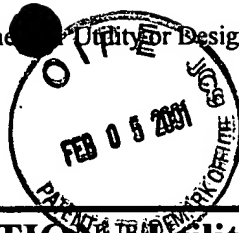
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 Boston, MA 02110  
 Tel. No.: (617) 248-7000  
 Fax No.: (617) 248-7100

Declaration and Power of Attorney for Utility or Design Patent Application

Serial No. 09/591,706

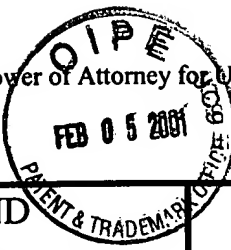
Atty. Docket No. MDS-012

Page 3 of 4

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. 1001 and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

<b>Name of Sole or First Inventor:</b>		<input type="checkbox"/> A petition has been filed for this unsigned inventor								
Given Name (first and middle [if any])					Family Name or Surname					
Robert					Nordstrom					
Inventor's Signature							Date			
Residence		City	Hanover	State	MA	USA			Citizenship	USA
Mailing Address		182 Olde Forge Road								
Mailing Address (ln. 2)		City	Hanover	State	MA	ZIP	02339	Country	USA	
<input type="checkbox"/> Additional inventors are being named on the _____ supplemental Additional Inventor(s) sheet(s) attached hereto.										
<b>Name of Additional Joint Inventor, if any:</b>		<input type="checkbox"/> A petition has been filed for this unsigned inventor								
Given Name (first and middle [if any])					Family Name or Surname					
David					Bee					
Inventor's Signature							Date			
Residence		City	Groton	State	MA	Country	USA	Citizenship	USA	
Mailing Address		43 Paquawket Path								
Mailing Address (ln. 2)		City	Groton	State	MA	ZIP	01450	Country	USA	
<b>Name of Additional Joint Inventor, if any:</b>		<input type="checkbox"/> A petition has been filed for this unsigned inventor								
Given Name (first and middle [if any])					Family Name or Surname					
Mark					Modell					
Inventor's Signature							Date			
Residence		City	Natick	State	MA	Country	USA	Citizenship	USA	
Mailing Address		1 Arcadia Road								
Mailing Address (ln. 2)		City	Natick	State	MA	ZIP	01760	Country	USA	

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**DECLARATION AND  
POWER OF ATTORNEY FOR UTILITY  
OR DESIGN PATENT APPLICATION**

**ADDITIONAL INVENTOR(S)  
Supplemental Sheet  
Page 4 of 4**

Name of Additional Joint Inventor, if any:		<input type="checkbox"/> A petition has been filed for this unsigned inventor							
Given Name (first and middle [if any])					Family Name or Surname				
Ze'ev					Hed				
Inventor's Signature						Date			
Residence	City		State		Country		Citizenship		
Mailing Address		12 Wagon Trail							
Mailing Address (ln. 2)	City	Nashua	State	NH	ZIP	03602	Country	USA	
Name of Additional Joint Inventor, if any:		<input type="checkbox"/> A petition has been filed for this unsigned inventor							
Given Name (first and middle [if any])					Family Name or Surname				
Jennie					Kwo				
Inventor's Signature						Date		1/30/2001	
Residence	City	Cambridge	State	MA	Country	USA	Citizenship	USA CANADA	
Mailing Address		25 Kelly Road, Apt. #3							
Mailing Address (ln. 2)	City	Cambridge	State	MA	ZIP	02139	Country	USA	
Name of Additional Joint Inventor, if any:		<input type="checkbox"/> A petition has been filed for this unsigned inventor							
Given Name (first and middle [if any])					Family Name or Surname				
Matthew					Emans				
Inventor's Signature						Date		1/30/2001	
Residence	City	Boston	State	MA	Country	USA	Citizenship	USA	
Mailing Address		10 Emerson Place, Apt. 5E							
Mailing Address (ln. 2)	City	Boston	State	MA	ZIP	02114	Country	USA	

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EL 28060257US

<b>DECLARATION AND POWER OF ATTORNEY FOR UTILITIES OR DESIGN PATENT APPLICATION</b>  <input type="checkbox"/> Declaration <input checked="" type="checkbox"/> Declaration Submitted with      Submitted after Initial Initial Filing      Filing (surcharge 37 CFR 1.16(e) required)	Attorney Docket No.	MDS-012
	First Named Inventor	Nordstrom
	<b>COMPLETE IF KNOWN</b>	
	Application Serial Number	09/591,706
	Filing Date	June 9, 2000
	Group Art Unit	3737
	Examiner Name	Not Yet Assigned

As a below named inventor, I hereby declare that:

My residence, post office address, and citizenship are as stated below next to my name.

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled:

An Optical Probe Accessory Device for Use in In Vivo Diagnostic Procedures

(Title of the Invention)

the specification of which

☐ is attached hereto  
OR

☒ was filed on 06/09/2000 as United States Application Serial Number or PCT International (MM/DD/YYYY)

Application Number 09/591,706 and was amended on (MM/DD/YYYY) (if applicable).

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment specifically referred to above.

I acknowledge the duty to disclose to the Patent Office all information known by me to be material to patentability as defined in 37 CFR 1.56.

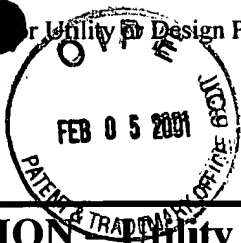
I hereby claim foreign priority benefits under 35 U.S.C. 119(a)-(d) or 365(b) of any foreign application(s) for patent or inventor's certificate, or 365(a) of any PCT international application which designated at least one country other than the United States of America, listed below and have also identified below, by checking the box, any foreign application for patent or inventor's certificate, or of any PCT international application having a filing date before that of the application on which priority is claimed.

Prior Foreign Application Number(s)	Country	Foreign Filing Date (MM/DD/YYYY)	Priority Not Claimed	Certified Copy Attached?	
				YES	NO
			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

☐ Additional foreign application numbers are listed on a supplemental priority data sheet attached hereto.

I hereby claim the benefit under 35 U.S.C. 119(e) of any United States provisional application(s) listed below.

Application Serial Number(s)	Filing Date (MM/DD/YYYY)	<input type="checkbox"/> Additional provisional application serial numbers are listed on a supplemental priority data sheet attached hereto.
60/138,235	06/09/1999	
60/115,373	01/11/1999	



## DECLARATION - Utility or Design Patent Application

I hereby claim the benefit under 35 U.S.C. 120 of any United States application(s), or 365(c), of any PCT international application designating the United States of America, listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States or PCT International application in the manner provided by the first paragraph of 35 U.S.C. 112, I acknowledge the duty to disclose information which is material to patentability as defined in 37 CFR 1.56 which became available between the filing date of the prior application and the national or PCT international filing date of this application.

U.S. Parent Application or PCT Parent Serial Number	Parent Filing Date (MM/DD/YYYY)	Parent Patent Number (if applicable)
09/481,762	01/11/00	
09/241,806	02/02/1999	
08/782,936	01/13/1997	

☐ Additional U.S. or PCT international application numbers are listed on a supplemental priority data sheet attached hereto.

As a named inventor, I hereby appoint the following registered practitioners to prosecute this application and to transact all business in the Patent and Trademark Office connected therewith: ☐ Customer Number

OR

☒ Registered practitioner(s) name/registration number listed below

Place Customer  
Number Bar Code  
Label Here

Name	Registration Number	Name	Registration Number
Michael J. Bastian	P-47,411	Kurt W. Lockwood	40,704
Steven M. Bauer	31,481	Thomas C. Meyers	36,989
Elias C. Behrakis	P-47,416	Joseph B. Milstein	42,897
John V. Bianco	36,748	David G. Miranda	42,898
Isabelle A.S. Blundell	43,321	Ronda P. Moore	44,244
Maureen A. Bresnahan	44,559	Indranil Mukerji	P-46,944
Michael H. Brodowski	41,640	Edmund R. Pitcher	27,829
Jennifer A. Camacho	43,526	Michael A. Rodriguez	41,274
Joseph A. Capraro, Jr.	36,471	Jamie H. Rose	45,054
John J. Cotter	38,116	R. Stephen Rosenholm	45,283
John V. Forcier	42,545	Christopher W. Stamos	35,370
Steven J. Frank	33,497	Diana M. Steel	43,153
Kia L. Freeman	P-47,577	Joseph P. Sullivan	45,349
Brian M. Gaff	44,691	Robert J. Tosti	35,393
Michael J. Giannetta	42,574	Thomas A. Turano	35,722
Duncan A. Greenhalgh	38,678	Michael J. Twomey	38,349
William G. Guerin	41,047	Christine C. Vito	39,061
Jonathan A. Harris	44,744	Patrick R.H. Waller	41,418
Ira V. Heffan	41,059	Daniel A. Wilson	45,508
Danielle L. Herritt	43,670	Gerald E. Worth	45,238
Douglas J. Kline	35,574	Yin P. Zhang	44,372
John D. Lanza	40,060		

☐ Additional registered practitioners named on supplemental Registered Practitioner Information sheet attached hereto.

Direct all correspondence to:

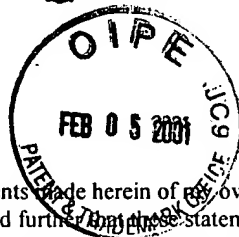
Patent Administrator  
 Testa, Hurwitz & Thibault, LLP  
 High Street Tower  
 125 High Street  
 Boston, MA 02110  
 Tel. No.: (617) 248-7000  
 Fax No.: (617) 248-7100

Declaration and Power of Attorney for Utility or Design Patent Application

Serial No. 09/591,706

Atty. Docket No. MDS-012

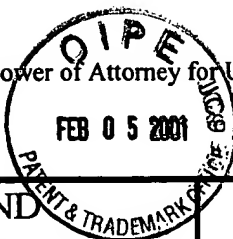
Page 3 of 4



I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. 1001 and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

<b>Name of Sole or First Inventor:</b>		<input type="checkbox"/> A petition has been filed for this unsigned inventor								
<b>Given Name (first and middle [if any])</b>					<b>Family Name or Surname</b>					
Robert					Nordstrom					
Inventor's Signature							Date			
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Mailing Address	182 Olde Forge Road									
Mailing Address (ln. 2)	City	Hanover	State	MA	ZIP	02339	Country	USA		
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David					Bee					
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Mark					Modell					
Inventor's Signature							Date			
Residence	City	Natick	State	MA	Country	USA	Citizenship	USA		
Mailing Address	1 Arcadia Road									
Mailing Address (ln. 2)	City	Natick	State	MA	ZIP	01760	Country	USA		

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**DECLARATION AND  
POWER OF ATTORNEY FOR UTILITY  
OR DESIGN PATENT APPLICATION**

**ADDITIONAL INVENTOR(S)  
Supplemental Sheet  
Page 4 of 4**

Name of Additional Joint Inventor, if any:		<input type="checkbox"/> A petition has been filed for this unsigned inventor					
Given Name (first and middle [if any])				Family Name or Surname			
Ze'ev				Hed			
Inventor's Signature						Date	Feb 2, 2001
Residence	City		State		Country		Citizenship
Mailing Address	12 Wagon Trail						
Mailing Address (ln. 2)	City	Nashua	State	NH	ZIP	03602	Country USA
Name of Additional Joint Inventor, if any:		<input type="checkbox"/> A petition has been filed for this unsigned inventor					
Given Name (first and middle [if any])				Family Name or Surname			
Jennie				Kwo			
Inventor's Signature						Date	
Residence	City	Cambridge	State	MA	Country	USA	Citizenship USA
Mailing Address	25 Kelly Road, Apt. #3						
Mailing Address (ln. 2)	City	Cambridge	State	MA	ZIP	02139	Country USA
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Given Name (first and middle [if any])				Family Name or Surname			
Matthew				Emans			
Inventor's Signature						Date	
Residence	City	Boston	State	MA	Country	USA	Citizenship USA
Mailing Address	10 Emerson Place, Apt. 5E						
Mailing Address (ln. 2)	City	Boston	State	MA	ZIP	02114	Country USA

2004046



**STATEMENT CLAIMING SMALL ENTITY STATUS**

**(37 CFR 1.9(f) & 1.27(c))-- SMALL BUSINESS CONCERN**

Attorney Docket No. MDS-012

Applicant, Patentee, or Identifier: Nordstrom, et al.

Application or Patent No.: 09/591,706

Filed or Issued: June 9, 2000

Title: An Optical Probe Accessory Device for Use In *In Vivo* Diagnostic Procedures



EXPRESS MAIL MAILING LABEL  
EL280660257US

I hereby state that I am

- ☐ the owner of the small business concern identified below:  
☐ an official of the small business concern empowered to act on behalf of the concern identified below:

NAME OF SMALL BUSINESS CONCERN: MediSpectra, Inc.

ADDRESS OF SMALL BUSINESS CONCERN: 45 Hartwell Avenue, Lexington, MA 02421

I hereby state that the above identified small business concern qualifies as a small business concern as defined in 37 CFR 1.9(d) and 13 CFR Part 121 for purposes of paying reduced fees to the United States Patent and Trademark Office, in that the number of employees of the concern, including those of its affiliates, does not exceed 500 persons. For purposes of this statement, (1) the number of employees of the business concern is the average over the previous fiscal year of the concern of the persons employed on a full-time, part-time, or temporary basis during each of the pay periods of the fiscal year, and (2) concerns are affiliates of each other when either, directly or indirectly, one concern controls or has the power to control the other, or a third party or parties controls or has the power to control both.

I hereby state that rights under contract or law have been conveyed to and remain with the small business concern identified above with regard to the invention described in:

- ☐ the specification filed herewith with title as listed above.  
☒ the application identified above.  
☐ the patent identified above.

If the rights held by the above identified small business concern are not exclusive, each individual, concern, or organization having rights in the invention must file separate statements as to their status as small entities, and no rights to the invention are held by any person, other than the inventor, who would not qualify as an independent inventor under 37 CFR 1.9(c) if that person made the invention, or by any concern which would not qualify as a small business concern under 37 CFR 1.9(d), or a nonprofit organization under 37 CFR 1.9(e).

- ☒ No such person, concern, or organization having any rights in the invention exists.  
☐ Each such person, concern, or organization having any rights in the invention is listed below.

Separate statements are required from each named person, concern or organization having rights to the invention stating their status as small entities. (37 CFR 1.27).

I acknowledge the duty to file, in this application or patent, notification of any change in status resulting in loss of entitlement to small entity status prior to paying, or at the time of paying, the earliest of the issue fee or any maintenance fee due after the date on which status as a small entity is no longer appropriate. (37 CFR 1.28(b)).

NAME OF PERSON SIGNING

ROBERT NORDSTROM

TITLE OF PERSON IF OTHER THAN OWNER

VICE PRESIDENT, RESEARCH

ADDRESS OF PERSON SIGNING

45 Hartwell Avenue, Lexington, MA 02421

SIGNATURE

Robert Nordstrom

DATE

Jan 31/01